



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 3927-99

21 September 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NAVSUPSYS CMD 4050 53G/165 25 August 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVAL SUPPLY SYSTEMS COMMAND
5450 CARLISLE PIKE
PO BOX 2050
MECHANICSBURG PA 17055-0791

TELEPHONE NUMBER
COMMERCIAL
AUTOVON
IN REPLY REFER TO:

4050
53G/165

AUG 25 1999

From: Commander, Naval Supply Systems Command
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION IN THE CASE OF

Ref: (a) BCNR memo PAY:tj of 28 Jul 99

Encl: (1) FTC Glenn J. Sherman's BCNR File
(2) Subject's Microfiche File

1. In response to reference (a), we have reviewed enclosure (1). Enclosures (1) and (2) are returned.

2. Our review concluded that [REDACTED] legitimately exceeded his authorized weight allowance when he moved in June 1997 and that the Naval Transportation Support Center correctly billed him for a \$564.52 overpayment on his DITY claim. He should have been required to repay this entire amount. We agree with Defense Finance and Accounting Service-Denver Center that only the uncollected portion of \$194.98 should be eligible for remission under Title 10 United States Code Section 6161.

3. We do not recommend favorable Board action.

MARTHA J. IRONS
By direction